### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA DURHAM DIVISION

Case No.: 1:21-cv-00600

IHAB DERYAS,	)
Plaintiff,	
v.	PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION
BISCUITVILLE, INC.,	) CONDITIONAL CERTIFICATION
Defendant.	) ) )

Plaintiffs, by and through their counsel, hereby move this Court for an Order certifying the following FLSA Collective Class:

#### The Collective Class:

All persons who are or have been employed by Biscuitville, Inc. with the job title of "Assistant Manager," or some similar title, who were misclassified as exempt, and therefore denied overtime compensation as required by federal wage and hour laws, at any time within three years prior to this action's filing date through the date of final disposition of this action (the "Collective Class").

The grounds for this motion are set forth in the accompanying Brief in Support and supporting exhibits attached thereto. Plaintiffs respectfully request that the Court grant his motion and enter an order certifying the Collective Class, appointing undersigned counsel as Class Counsel, and appointing the named Plaintiff Ihab Deryas as Class Representative.

This the 18th day of November, 2022.

# Counsel for Plaintiff

## **MAGINNIS HOWARD**

/s/ Karl S. Gwaltney

KARL S. GWALTNEY N.C. State Bar No. 45118 EDWARD H. MAGINNIS N.C. State Bar No. 39317 7706 Six Forks Road, Suite 101 Raleigh, North Carolina 27615 Telephone: 919-526-0450

Fax: 919-882-8763

kgwaltney@maginnishoward.com emaginnis@maginnishoward.com

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

This the 18th day of November, 2022.

Counsel for Plaintiff

**MAGINNIS HOWARD** 

/s/ Karl S. Gwaltney KARL S. GWALTNEY